

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

WILLIAM RODRIGUEZ,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 07-38V

Special Master Christian J. Moran

Filed: August 18, 2009

Stipulation; influenza vaccination,
Guillain-Barre syndrome (GBS).

UNPUBLISHED DECISION¹

David L. Terzian, Esq., Rawls & McNelis, P.C., Richmond, VA, for Petitioner;
Lisa A. Watts, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On August 14, 2009, the parties filed a joint stipulation concerning the petition for compensation filed by William Rodriguez, on January 19, 2007. In his petition, Mr. Rodriguez alleged that the influenza vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R. §100.3 (a), and which Mr. Rodriguez received on October 28, 2003, caused him to suffer from Guillain-Barre Syndrome ("GBS").

Respondent denies that the petitioner's GBS was caused by his October 28, 2003 vaccination.

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¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

- A. **A lump sum payment of \$200,000.01 in the form of a check payable to the petitioner.** This amount represents partial settlement of all of petitioner's damages under 42 U.S.C. § 300aa-15(a);
- B. **A lump sum payment of \$42,851.99 in the form of a check payable jointly to petitioner and the State of Florida Contract Representative, Casualty Supervisor, Health Management Systems, 2002 Old St. Augustine Road, Suite E-42, Tallahassee, FL 32301, Attn: Ms. Wilma Ramos.** This amount represents compensation for reimbursement of the state's Medicaid lien; and,
- C. **An amount of \$57,148.00, to purchase the annuity contract described in paragraph 10 of the joint stipulation attached hereto as Appendix A, paid to the life insurance company(the "Life Insurance Company") from which the annuity will be purchased.** The amount described therein represents compensation for all remaining elements of compensation.

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 07-38V according to this decision and the attached stipulation.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master